

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

AN EASEMENT AND RIGHT-OF-WAY
OVER 5.69 ACRES OF LAND, MORE
OR LESS, IN MONTGOMERY COUNTY,
TENNESSEE

EXIT 11 PROPERTIES, a Tennessee
General Partnership
Defendants

Civil Action No. 3:06-cv-00165
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that (1) the Commission appointed herein awarded \$1,595,000 as just compensation for the taking of the easement and right-of-way herein condemned (DN 20), to which award no objections have been filed within the time provided by law, and Plaintiff has deposited in this action the sum of \$1,655,594.06, including interest provided by law, of which \$761,700, plus interest earned on the original deposit less the statutory users' fee on said interest, has been disbursed to the Defendant by prior order of this Court (DN 9-1).

It is, therefore, Ordered and Adjudged that:

1. The Defendant shall recover from Plaintiff \$1,595,000 as just compensation for the taking of the easement and right-of-way herein condemned.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$893,894.06 (said amount being the sum of

\$1,655,594.06 deposited by Plaintiff herein, including interest provided by law, less the above-mentioned \$761,700) payable to Exit 11 Properties and to mail said check to Clark H. Tidwell, Esq., and James W. Fisher, Jr., Esq., Lassiter, Tidwell, Davis, Keller & Hogan, PLLC, 150 Fourth Avenue North, One Nashville Place, Suite 1850, Nashville, Tennessee 37219-2408.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on March 1, 2006, is hereby fully and finally confirmed with respect to the easement and right-of-way described below (said description being the same as Exhibit A to the Declaration of Taking filed herein):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, to prevent the drilling or sinking of wells within said right-of-way, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within ten feet of any transmission line structure or conductor located thereon, the plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. CMT-186

A parcel of land located in the Clarksville Corporate Limits of the Eleventh Civil District of Montgomery County, State of Tennessee, as shown on a map entitled "Cumberland-Montgomery Transmission Line," drawing LW-8429, sheet P8, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being a ½-inch iron pin which is a common corner in the lands of Exit 11 Properties, a Tennessee General Partnership, Faith Outreach Ministries, Inc., and Montgomery County, Tennessee (Hornbuckle Road), the said point being on a fence line and being on the southwest right-of-way line of the said road, the said point also being 73.75 feet right of the centerline of the transmission line location at survey station 1770+59.77; thence leaving the said common corner and the said fence line and with the meanders of the said road right-of-way line and the northeast property line of Exit 11 Properties, a Tennessee General Partnership, in a southeasterly direction 136.36 feet to a point on the northeast right-of-way line of the location, the said point

being 87.50 feet right of the centerline of the location at survey station 1769+24.11; thence leaving the said road right-of-way line and the said property line and with the said northeast right-of-way line of the location S. 29° 49' 59" E., 1,262.60 feet to a point on the north right-of-way line of Montgomery County, Tennessee (Windermere Drive) and the south property line of Exit 11 Properties, a Tennessee General Partnership, the said point being 87.50 feet right of the centerline of the location at survey station 1756+61.50; thence leaving the said northeast right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a westerly direction 191.17 feet, crossing the centerline of the location at survey station 1756+95.93 (94.05 feet), to a point on the southwest right-of-way line of the location, the said point being 87.50 feet left of the centerline of the location at survey station 1757+37.97; thence leaving the said road right-of-way line and the said property line and with the said southwest right-of-way line of the location N. 29° 49' 59" W., 1,447.26 feet to a point on the property line between Exit 11 Properties, a Tennessee General Partnership, and Faith Outreach Ministries, Inc., the said point being on the aforementioned fence line; thence leaving the said southwest right-of-way line of the location and with the said fence line and the said property line S. 81° 56' 57" E., 204.30 feet, crossing the centerline of the location at survey station 1771+17.1 (110.86 feet), to the point of beginning and containing 5.69 acres, more or less.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Exit 11 Properties (Volume 720, page 643).

Tax map 63, parcel 46.04

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

It is so ORDERED.


United States District Judge

Tendered by:

s/Edwin W. Small

Edwin W. Small (TN BPR 012347)
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Tennessee BPR No. 012347
Telephone 865-632-3021
Facsimile 865-632-6718
Email ewsmall@tva.gov

Attorney for Plaintiff
003869756